

Introduced by Senator Bowen

February 22, 2005

An act to amend Section 15342 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1050, as introduced, Bowen. Elections: write-in candidates.

Existing law requires that a ballot for a qualified write-in candidate be counted if, on specified voting systems, the candidate's name is written on the ballot in the blank space provided and the voting space next to the write-in space is marked according to voting instructions.

This bill would provide that a ballot for a qualified write-in candidate shall be counted if it is written in the blank space provided and that the failure of a voter to mark the voting space next to the write-in space shall not preclude the ballot from being counted if the intent of the voter can be determined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 15342 of the Elections Code is amended
- 2 to read:
- 3 15342. (a) Any name written upon a ballot for a qualified
- 4 write-in candidate, including a reasonable facsimile of the
- 5 spelling of a name, shall be counted for the office, if it is written
- 6 in the blank space provided and voted as specified below.
- 7 ~~(a)~~
- 8 (1) For voting systems in which write-in spaces appear
- 9 directly below the list of candidates for that office and provide a

1 voting space, ~~no write-in vote shall be counted unless~~ the voting
2 space next to the write-in space ~~is~~ *shall be* marked or slotted as
3 directed in the voting instructions *for the convenience of the*
4 *elections official counting the ballot. However, pursuant to*
5 *subdivision (a), the failure by a voter to mark or slot the voting*
6 *space shall not preclude the voter's ballot for a qualified write-in*
7 *candidate from being counted, if the intent of the voter can be*
8 *determined.*

9 ~~(b)–~~

10 (2) For voting systems in which write-in spaces appear
11 separately from the list of candidates for that office and do not
12 provide a voting space, the name of the write-in candidate, if
13 otherwise qualified, shall be counted if it is written in the manner
14 described in the voting instructions.

15 ~~(e)–~~

16 (b) The use of pressure-sensitive stickers, glued stamps, or any
17 other device not provided for in the voting procedures for the
18 voting systems approved by the Secretary of State to indicate the
19 name of the write-in candidate are not valid, and a name
20 indicated by these methods shall not be counted.

21 ~~(d)–~~

22 (c) Neither a vote cast for a candidate whose name appears on
23 the ballot nor a vote cast for a write-in candidate shall be counted
24 if the voter has indicated, by a combination of marking and
25 writing, a choice of more names than there are candidates to be
26 nominated or elected to the office.

27 ~~(e)–~~

28 (d) All valid write-in votes shall be tabulated and certified to
29 the elections official on forms provided for this purpose, and the
30 write-in votes shall be added to the results of the count of the
31 ballots at the counting place and be included in the official
32 returns for the precinct.